

Town of North Andover
ZONING BOARD OF APPEALS

*Approved
Oct 1
2013*

*Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia*



Associate Member
*Michael P. Liporto
Deney Morganthal
Doug Ludgin*
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES
Tuesday, July 23, 2013 at 7:30 PM
Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Ellen McIntyre, Richard Byers D. Paul Koch Jr., Esq., and Allan Cuscia
Associate Member: Michael Liporto and Deney Morganthal
Also in attendance; Curt Bellavance

McIntyre called this special meeting to order at 7:35

Pledge of Allegiance

Acceptance of Minutes June 13, 2013 and June 27 2013

Byers made the motion to approve the two sets of Minutes for **June 13 and June 27, 2013**
Koch second the motion.

Those voting in favor to approve both or either sets of the minutes were McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal

McIntyre wanted to take a moment to introduce Curt Bellavance, Director of Community Development. McIntyre stated he is here tonight to help assist the Board on this project.

McIntyre spoke of the various documents and plans that were submitted and mailed out to the Board in the past couple of weeks.

McIntyre stated the topic tonight is Landscaping /Outstanding Issues

With that being said Atty. Regnante who is representing the applicant walked up to the podium.

**North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA
(Map 106.D, Parcel 0032).**

M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

Regnante stated that we will be talking tonight on what we agreed upon.
Chris Huntress, from Huntress Associates will talk first regarding Landscaping, Lighting, and later we will update you on Traffic and Design.

McIntyre questioned Regnante regarding the confusion on a continuance. McIntyre stated that an August meeting is unattainable, but requested scheduling a workshop regarding this project.

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McIntyre went on to say that we are approaching the 180, August 22nd date and McIntyre asked that they sign and agree to continue till October.

Regnante spoke out and expressed his feelings on continuing till October and was very reluctant on agreeing to continue till October.

McIntyre reminded Regnante that they are a volunteer Board and they have been doing their best to accommodate the applicant regarding this project.

Chris Huntress walked up to the podium and went over each page of the various drawings and plans that were submitted to the Board. Huntress described in detail with regards to the project the landscaping, shrubs, buffer plantings, ornamental trees, screening, and various other plantings such as perennials and evergreens amongst other types of landscape plantings. He pointed to the plans to show where these various types of plantings would be located. Huntress spoke of the various sizes of the plantings as well.

Mcintyre was concerned with the old trees on the site.

Huntress spoke of the old stone wall along Berry Street and stated to the Board, that they have made plans to reset and fix the old stone wall. Huntress also spoke of the proposed signs and the curb cut at the entrance.

McIntyre asked of the sign and if the height or width would block the view. Huntress stated no.

McIntyre thought the sign seemed a bit far out.

Huntress stated he will look into it.

McIntyre commented to Huntress that he was very accommodating to the Board, and liked the fact he planned on looking into any of the concerns expressed by the Board regarding this project.

Huntress stated that they have been working very close with Ann Martin. Some of what he is presenting tonight will also be presented in front of Conservation.

Huntress also spoke of the recreation area, trails, club house, fencing around the cemetery and National Heritage with regards to Conservation.

Huntress also spoke of how he, Gene Willis, and John Levand walked the site. Huntress stated that they were advised to cut down at least 20 trees that were diseased and at least 12 more that were located too close to the roadway. All together 32 trees would be cut down. Huntress assured the board that some of these trees may be replaced with other plantings. He also spoke of 28 trees along the Berry Street edge that will be saved.

Huntress moved onto lighting and the type of ornamental acorn style lights that will be used. Huntress stated that most, but not all of the 54 poles with lighting will be located behind the main buildings. Huntress spoke of the lights on the buildings and lights at the entries as you approach each of the buildings.

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Huntress stated to the Board that this was a quick overview of the eight sheets that were submitted to the Board.

McIntyre asked of the life expectancy of the plants. Huntress stated that most of the plantings usually have a one season guarantee or one year.

Koch asked of what the trails would be made of. Huntress responded it will be made of a wood chip substance, of wood, fiber and gravel, and the width would be about 4 feet and it will also be handicap accessible.

Koch asked of how the trails would be maintained.

Huntress stated they will rake the trail when needed and also add more of the wood type chips when required.

Byers asked of the cemetery and the issues with regards to landscaping. Huntress pulled out one of the drawings and spoke of the shrubs and buffers along the cemetery.

Byers asked of the role of National Heritage, and what their concerns were, and if he could be more specific. Huntress responded stating that certain areas needed to be restricted. The plan is to redirect others to be discouraged to walk in the restricted areas, where endangered species and planting were residing.

Liporto asked of signs to keep people out of restricted areas. Huntress stated that National Heritage really discourages signs such as that.

Liporto asked Huntress of street trees that he spoke of earlier. Huntress explained the type of trees and explained the height and caliper of these trees.

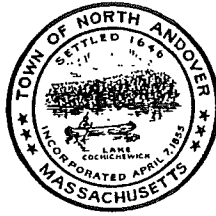
Koch asked of a fence at the cemetery. Eric Loth answered that question and stated that they spoke to someone from the Historical Committee, Martha Lyons who had requested not to have a split rail fence, since it may not hold up. Also she requested that larger branches on trees could be cut back as not to fall and break some of the stones. She also requested and thought it was more appropriate to have more plantings, a farmers wall, and also, add interruptive signs. Lyons stated that she would much rather locate a bench near the area, than to have added parking.

Bellavance expressed his concern with the rear part of the property and the trees located there and also how healthy these trees were.

Morganthal asked if the lights were on timers. Huntress stated they are photocells.

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Koch asked of a playground and if one was being considered for young children and toddlers. Koch also asked where a playground would be located on the site. Huntress responded it has not been defined, or determined if one would be available, or made, but it may possibly go near the clubhouse. Koch then asked if they could bike on the trail and if it would be allowed. Huntress stated he cannot see why not.

McIntyre asked if the trail was open to the public, Huntress stated no, it is private.

Byers asked if the cemetery would be open to the public. Huntress responded it would be open to the public.

Daniel Mills, from MDM took his turn at the podium and stated that he will be talking of Transportation, Traffic and Improvements on Berry Street. They want to improve the alignment on Berry Street with Route 114. They also want to introduce a raised island, and they also plan to clear some of the trees adjacent to the roadway. He felt some of these improvements will also help with snow plowing.

Mills also spoke of the School Department with regards to a Bus Stop and the plan is to locate the Bus Stop along Berry Street.

Cuscia asked what the thought process was in closing the 2nd entrance.

Mills stated that this way the traffic will be funneled to travel one way to the entrance or exit.

Cuscia stated that he could envision a line of traffic trying to come or go into the development at specific high traffic times of the day.

Byers questioned if it would be a better flow of traffic with 2 separate driveways

Mills responded back to the concerns stating that he has seen developments with one driveway for entering and exiting and it has worked out well.

Matt Bombac, from GPR stated that is why they are taking some of the trees out so it will be more visible.

Koch asked if the bus stop will have a shelter for the children. Huntress stated that they have not proposed a shelter.

McIntyre still expressed her concerns to the applicant on where the snow would be stockpiled on the site.

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Matt Bombac, from GPR walked up to the podium and stated that he will be talking on stormwater, and the request from Lisa Eggleston regarding soil testing and types of soil and catch basins. Bombac stated that they have met all the comments from Lisa Eggleston's concerns. Bombac stated the other concern was snow storage. Bombac stated that they have proposed various areas and pointed out where this snow will be stockpiled. He spoke of an auxiliary area where snow could be stock piled as well.

McIntyre asked if salt and sand can be used. Bombac responded only in specific areas.

Byers expressed his concern and asked when the snow melts does the salt and sand go into the stormwater. Byers asked if it gets filtered.

Bombac stated yes it does, and it is similar to how the rainwater is filtered.

McIntyre was concerned with the stockpiling of the snow and if it would take up any parking spots. Bombac stated no.

McIntyre asked Bombac when they plan on meeting with Conservation. Bombac stated that he will be meeting on August 14th.

Cal Goldsmith, from GPR spoke of the heights of the proposed buildings and how they compare with other buildings on or near Berry Street, including Route 114. He explained how different areas have various elevations.

Eric Loth spoke of property density. He spoke of various developments and multi-families in the area and how their density compares with Berry Street.

Cuscia stated when you factor out the cemetery and the unusable land such as the wetlands the density will change.

McIntyre asked Loth what zoning district this project was in. Loth responded R-3

McIntyre asked to touch upon the 21E Document. Loth said no one was here to talk of the 21E.

Byers read some of what was on the 21E Documents. McIntyre stated that it is an extensive report and is available as a .pdf and hard copy if anyone wanted to review it.

McIntyre asked Bellavance if he would like to give us an update on Weston and Sampson. Bellavance said the town has hired the engineering firm to analyze the volume of sewage expected from the apartments. The firm will give their opinion if the town's sewerage system and the Greater Lawrence Sanitary District plant can handle this increase in waste water from 240 proposed units. They will also be working with our Department of Public Works.

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Bellavance stated that today we received a check from the applicant to pay for the consultant, Weston and Sampson.

McIntyre asked to take a 5 minute recess.
Byers made a motion to grant the recess.
Koch second the motion
All were in favor to grant the recess.

McIntyre called the meeting back to order, stating she is now giving the abutters the opportunity to speak regarding this project.

Jeff Moon, of 141 Berry Street stated that he is representing the Berry Street Association. He spoke and named all the various streets in the proposed area. He spoke of his concerns with Conservation issues and endangered species as well as Open Space. Moon also brought up the snow storage concerns and felt the snow storage concerns were not adequately addressed tonight. The main purpose for this association is to prevent the inappropriateness of this development. Concerns of the traffic impact and safety were also part of Moon's concerns along with the Berry Street Association.

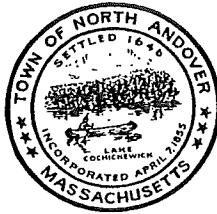
Patrick Lavery, of 259 Campbell Road spoke of his concerns with the Impact on the neighborhood the traffic studies that were presented and confusion on traffic flow patterns, turning onto Route 114 and Berry Street. He felt many issues were not addressed by the Developer. Lavery also spoke of his concern with the School Bus Stop and how many of the vehicles speed on the road. He asked the Board to consider pedestrian safety and also putting in sidewalks on Berry Street. He was also not in agreement with the density plan submitted by the developer.

Will Edwards, of 90 Windsor Lane felt that this project should be downsized to 3 buildings with parking under each building. Edward talked of past projects that were proposed that never came to fruition. Edwards's felt a lower density development should be proposed instead of the 240 unit. Edwards stated if they downsized fewer variances would be needed by the Developer. He also was concerned with the added number of children that will be attending the North Andover School system as a result of this development. Edward questioned the cost to educate each student. Edwards felt we should evaluate the merits of this project.

Nathalie Wiles, of 89 Windsor Lane felt confident that the Board will take the concerns of the abutters when voting. She had concerns with the height of the building and was surprised that the developers could compare the heights of the buildings along Route 114 to Berry Street. Wiles stated that Berry Street is a residential area and should not be compared to buildings on Route 114. She felt that this project does not meet with the look and feel of the neighborhood.

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Deb Labrie, of 25 Winsor Lane thanked the Board for going on the Berry Street site visit. She had concerns with how fire trucks could get into the development and also expressed concerns with where the Bus Stop would be located, and the danger it posed. She felt they should look at the heights on Berry Street and not on Route 114. She also asked if the ground water had been tested, because of her concerns with the pesticides used in the past and getting into the well water.

Judy Ferris, of 31 Oxbow Circle had concerns with the snow, and new students that will be added to the school system, heights and sizes of the buildings. Ferris stated that we do not have articulated buses and fire trucks in this town. She also stressed safety issues and traffic and the added impact on traffic that will be presented to the neighborhood with this proposed project. Ferris expressed skepticism and that we should be careful on how the developers will be taking care of the wetlands and also the upkeep and maintenance of the property. She also thought that the scope of this project was too large and too high, and also felt it is way too close to Berry Street. Ferris spoke of the newer development that is nearby that is presently being built now and how this project is set back from the road and is hidden by trees. Ferris expressed her concerns and felt that the Developers are just bullying us to just accept this project as it is.

Kevin Hawkins, of 122 Campbell Road expressed his concern from the past owner and how they always wanted to maintain an access to the cemetery. Hawkins felt the design developer did not respect this. Hawkins explained to the Board how the past owners wanted who ever purchased this property to respect their wishes in regards to the cemetery. Hawkins talked of narrow roads in the area and how it is difficult for two cars to pass each other. Hawkins also spoke of the lighting and would like to see a better style of lighting rather than the acorn style proposed. He thought that this type of lighting will cast the light upward rather than downward and would contribute to light pollution.

Chris Patterson of 35 Old Cart Way spoke of the makeup of the area, the traffic and how it will affect the community and a life style that he has been part of for many years. He also spoke of snow removal and snow storage area with regards to Conservation and felt that National Heritage should be in line with some of these issues.

McIntyre asked if the developer wants to address the issues
Loth walked up to the podium and talked of the past projects proposed and he felt that they were not as attractive as this proposed project; he stated that they have been making an effort to make this a very viable and attractive site.

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Loth addressed some of the concerns mentioned from the abutters such as sidewalks and traffic. Loth stated that many people need to slow down in this area and should not drive fast. They have no control over how fast cars drive in this neighborhood. He also spoke of sidewalks that were mentioned. They were discouraged from the state from putting in sidewalks. Also Loth stated that it is the Town's choice on where a Bus Stop should be located.

He talked of the density and felt that this was very sustainable project. Loth also spoke of articulated fire trucks and that our fire trucks can fit into this development, if needed. Loth spoke of the cemetery and felt that they have a better solution then how it exists now.

Loth also stated that they are doing everything to have a safer area with regards to traffic and they looked at where the vast amount of traffic flowed. Loth thought that this was a very good plan and project.

McIntyre asked Loth what kind of fit this project would be for North Andover. Loth stated that this is an opportunity for young people, retirees, and families.

McIntyre asked if they could address the lighting issue. Huntress stated that they will try and look into another alternative and talk to the manufacturer on other fixtures. He also spoke of snow storage areas that will be designed along the landscaping.

McIntyre reiterated to Regnante that the Board will need to have more time and possibly till October (or longer). Regnante was reluctant to agree with McIntyre on October. McIntyre commented to Regnante that the Board will need more time and will not be ready to make a decision by September 19th and besides McIntyre stated we do not have all information including the sewage analysis. McIntyre stated that this is a very large project.

Byers made a motion to continue this hearing till Tuesday, September 17th at 7:00pm (location to be announced)

Koch second the motion

All in favor to continue till September 17th McIntyre, Byers, Koch, Cuscia, and Liporto

McIntyre spoke of the workshop with all the Town Departments and Advisor.

Byers made a motion to adjourn the meeting.

Cuscia Second the motion

Those voting in favor to adjourn were McIntyre, Byers, Koch, Cuscia, and Liporto

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Adjournment: 10:00